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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OYSTER OPTICS, LLC,

Plaintiff,

v.

CIENA CORPORATION,

Defendant

Case No. 4:17-cv-05920-JSW

**CIENA'S NOTICE OF SUPPLEMENTAL
AUTHORITY AS REQUIRED BY THE
COURT (DKT. NO. 113)**

Judge: Hon. Jeffrey S. White

Pursuant to the Court's Order to notify the Court and opposing counsel of legal authorities not cited in Ciena's brief but that Ciena may rely upon at the *Markman* hearing (Dkt. No. 113 at 1:16-20), Ciena hereby respectfully submits the following additional authorities:

- *Athletic Alternatives, Inc. v. Prince Mfg., Inv.*, 73 F.3d 1573 (Fed. Cir. 1996)
- *Automed Techs., Inc. v. Knapp Logistics & Automation, Inc.*, 236 F. App'x 604 (Fed. Cir. 2007)
- *Computer Cache Coherency Corp. v. Via Techs., Inc.*, No. C-05-01668 RMW, 2009 WL 1766675 (N.D. Cal. June 18, 2009)
- *Inverness Med. Switz. GmbH v. Warner Lambert Co.*, 309 F.3d 1373 (Fed. Cir. 2002)
- *Modine Mfg. Co. v. United States Int'l Trade Comm'n*, 75 F.3d 1545 (Fed. Cir. 1996)
- *TorPharm, Inc. v. Ranbaxy Pharm., Inc.*, 336 F.3d 1322 (Fed. Cir. 2003)

- *Wang Lab., Inc. v. America Online, Inc.*, 197 F.3d 1377 (Fed. Cir. 1999)
- MPEP 2173.05(e)

Respectfully submitted,

Dated July 21, 2020

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By: /s/ Blair M. Jacobs

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